

**RULES
OF
TENNESSEE REAL ESTATE APPRAISER COMMISSION**

**CHAPTER 1255-5
STANDARDS OF PROFESSIONAL PRACTICE**

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1255-5-.01 UNIFORM STANDARDS OF APPRAISAL PRACTICE.

- (1) The Tennessee Real Estate Appraiser Commission adopts by reference the most current edition of the "Uniform Standards of Professional Appraisal Practice" as published and modified from time to time by the Appraisal Standards Board of The Appraisal Foundation.
 - (a) Unless otherwise provided by applicable law or rule, the provisions of this chapter shall apply to any person holding a license or certificate as a licensed real estate appraiser, certified residential real estate appraiser, or certified general real estate appraiser in this state.
 - (b) In addition, rule 1255-5-.02 Civil Penalties, paragraphs (2) through (4), shall apply to any person required to hold a license or certificate to engage in the practice of real estate appraisal in this state, regardless of whether such person has actually obtained such license or certificate.
- (2) Unless otherwise provided by applicable law or rule, the holder of a license or certificate as a licensed real estate appraiser, certified residential real estate appraiser or certified general real estate appraiser shall at all times comply with the "Uniform Standards of Professional Appraisal Practice" that are in effect at the time the services are performed.
- (3) An appraiser shall state and prominently place on the face of the appraisal report the type of report format.
- (4) An appraiser shall identify all persons providing material assistance in the appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice.
- (5) An appraiser shall sign each written appraisal report relating to real property in this state that he or she prepares, in accordance with the Uniform Standards of Professional Appraisal Practice. The appraiser shall not affix his or her signature to any written appraisal report relating to real property in this state which was not prepared under the appraiser's direct supervision.
- (6) Failure to take the seven (7) hour National Uniform Standards of Professional Appraisal Practice Course at least once every two (2) years as defined and required by rule 1255-4-.01(2) constitutes grounds for revocation, suspension or restriction of any license or certificate issued by the Commission and/or the imposition of civil penalties of up to one thousand dollars (\$1,000.00) per violation, or otherwise disciplinary action in accordance with applicable law and rule, pursuant to Tenn. Code Ann. § 62-39-326. Teaching a course in the Uniform Standards of Professional Appraisal Practice will not be considered compliance with this requirement. The seven (7) hour National Instructor Recertification Course for Uniform Standards of Professional Appraisal Practice shall fulfill the seven (7) hour continuing education requirement for AQB approved instructors of the National Uniform Standards of Professional Appraisal Practice.

(Rule 1255-5-.01, continued)

- (7) Failure to comply with the Uniform Standard of Professional Appraisal Practice constitutes grounds for the revocation, suspension or restriction of any license or certificate issued by the commission and/or imposition of civil penalties pursuant to Tenn. Code Ann. §62-39-326.

Authority: T.C.A. §§56-1-308, 62-39-203, 62-39-204, 62-39-308, 62-39-326, 62-39-329, and 62-39-333.

Administrative History: Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed December 16, 1997; effective March 1, 1998. Amendment filed January 19, 2001; effective April 5, 2001. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Repeal and new rule filed December 6, 2007; effective February 19, 2008.

1255-5-.02 CIVIL PENALTIES.

- (1) With respect to any license or certificate holder, the Commission, may in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such license or certificate holder for each separate violation of a statute, rule or order pertaining to the Commission in accordance with the following schedule:

Violation	Penalty
(a) Tenn. Code Ann. §62-39-302	\$ 50 - \$1,000
(b) Tenn. Code Ann. §62-39-317	\$ 50 - \$1,000
(c) Tenn. Code Ann. §62-39-323	\$ 50 - \$1,000
(d) Tenn. Code Ann. §62-39-324	\$ 50 - \$1,000
(e) Tenn. Code Ann. §62-39-326	\$ 50 - \$1,000
(f) Tenn. Code Ann. §62-39-329	\$ 50 - \$1,000
(g) Tenn. Code Ann. §62-39-338(c)	\$ 50 - \$1,000
(h) Rule 1255-5-.01	\$ 50 - \$1,000
(i) Rule 1255-6-.02	\$ 50 - \$1,000
(j) Rule 1255-7-.01	\$ 50 - \$1,000
(k) Commission Order	\$ 50 - \$1,000

- (2) With respect to any person required to be licensed or certified in this state as a state licensed real estate appraiser, state certified residential real estate appraiser or state certified general real estate appraiser (regardless of whether the person is actually licensed or certified), the Commission may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. §62-39-103	\$100 - \$1,000
(b) T.C.A. §62-39-105	\$100 - \$1,000

- (3) Each day of continued violation may constitute a separate violation.

(Rule 1255-5-.02, continued)

- (4) In determining the amount of civil penalty to be assessed pursuant to this rules, the Commission may consider such factors as the following:
- (a) Whether the amount imposed will be substantial economic deterrent to the violation;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of noncompliance; and
 - (e) The interest of the public.

Authority: T.C.A. §§56-1-308, 62-39-203, 62-39-204, 62-39-308 and 62-39-326. **Administrative History:** Original rule filed December 16, 1997; effective March 1, 1998. Amendments filed December 13, 2004; effective February 26, 2005.